REMARKS

The Examiner has rejected claims 1, 3, 4 and 7 under 35 U.S.C. 103(a) as being unpatentable over Chen (U.S. Patent No. 5,915,205) in view of McMullan Jr. et al. (U.S. Patent No. 5,142,690), and claims 5-6 as being obvious over Chen in view of McMullan Jr. et al. and in further view of Izakson et al. (U.S. Patent No. 4,207,543). Claims 1, 3-7 are pending.

Applicants respectfully submit that the pending claims, as amended, are patentable for at least the following reasons.

Amended independent claim 1 is directed to a Communication system, comprising: a network, one or more optical transmitters and that may be subjected to potential noise sources, wherein the communication system includes an adaptive filter coupled between the potential noise sources and the at least one optical transmitter, which filter has a cut-off frequency, dependent on the noise frequency, and a noise detector, wherein the adaptive filter (1) blocks detected impulse noise from passing upstream through the communication system, (2) enables prevention of clipping of the optical transmitter and (3) enables substantially undisturbed upstream communication above the cut-off frequency of the filter.

Applicants can find nothing in Chen, McMullan Jr. et al. and Izakson, alone or in combination that teaches, a filter with a cut-off frequency, dependent on the noise frequency, and a noise detector, wherein the adaptive filter (1) blocks detected impulse noise from passing upstream through the communication system, (2) enables prevention of clipping of the optical transmitter and (3) enables substantially undisturbed upstream communication above the cut-off frequency of the filter, as recited in amended independent claim 1.

To simply state that the above limitations would be an obvious modification in view of the Chen filter, the McMullan Jr. et al. harmonic energy rejecting filter and the Izakson amplitude detector, to one skilled in the art begs the question. How? and Why? Such an interpretation disregards the "as a whole" requirement of MPEP 2141.02, and distills the complexities of the actual method of Claim 1 to an abstract general buzz word, precisely the problem obviated by MPEP 2141.02.

Moreover, Applicants can find no motivation to combine as asserted in the Office Action, without improper hindsight by "use[ing] the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention," see *In Re Denis Rouffet,* 47 USPQ.2d 1453, 1457-58 (Fed. Cir. 1998). Further, no motivation has been provided by the Office Action to show reasons that the skilled artisan, confronted with the same

problems as the inventor would select the elements from the cited prior art references for combination in the manner claimed, see Id.

Accordingly, as Chen, McMullan Jr. et al. and Izakson, alone or in combination, do not teach, show or suggest all of the features of amended independent claims 1 and 7, as recited above, applicant respectfully submits that these claims are patentable over these references.

Other dependent claims in this application are each dependent from one or the other of independent claims discussed above and are, therefore, believed allowable and patentable for at least the same reasons.

The applicants have made a sincere attempt to advance the prosecution of this application by reducing the issues for consideration and specifically delineating the zone of patentablity. The applicants submit that the claims, as they now stand, fully satisfy the requirements of 35 U.S.C. 103. In view of the amendments and foregoing remarks, favorable reconsideration, entry of this amendment and early passage to issue of the present application are respectfully solicited.

Respectfully submitted,

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